THE COMPLICATIONS WITH SPAIN.

The Monitors Canonicus, Mahopac, Manhattan, Wyandotte, Saugus, Ajax, Colossus and Frolic Preparing.

"IRON-CLADS MEAN WAR."

WASHINGTON, Jan. 5, 1871.

The Iron-Clads Ordered to Sea—Dislike of Naval Officers to Serve in Them—What a Diplomat Says—The Spanish Minister on the Situation.

The naval orders to-day assigning officers to the Monitors Canonicus and Mahopac officially confirmed the announcement in these despatches of yesterday. A number of the officers selected are on duty in Washington, and, dreading the pent-up life on vessels of this class, have sought through influential friends to be relieved from the orders issued. Secretary Robeson refused in every case to change the roster, stating that it was important that those assigned to the Canonicus and Mahopac should obey with all alacrity the orders of the Department. It is rumored that the unfinished iron-clad Colossus is to be completed without delay. The Frolic, at the Washington Navy Yard, will be placed in commission early next week. The Canandaigua, at New York, is reported nearly ready, while the Wyoming and Worcester have both their officers and crew, and will be ready in a few days to proceed to Havana. Beside the Monitors Mahopac and Canonicus there are five others which can be got ready for service in a short time.

It would be absurd to say that all the warlike preparations being made mean nothing. Retrenchment is the watchword of the administration, and no other Cabinet officer has boasted more than the Secretary of the Navy of the reduction of expenses in his Department, and the frugality with which the appropriations have been expended.

One of the foreign Ministers said to-night that the report abroad of our government ordering into commission two monitors would do more to convince European nations of trouble apprehended than the fitting out of all the wooden vessels of the navy; "for," said he, "frigates now-adays are merely adjuncts of diplomacy, but iron-clads mean war."

The Spanish Minister reads all of the leading papers of the country, and having had experience in journalism, is better capable, with his acquaintance of the American people of judging of the true condition of affairs. While he is not at liberty to speak officially, he does not hesitate to say that between Spain and the United States there is not a single variance excepting the one which will be the subject of immediate diplomatic correspondence—the boarding of the Florida—but he does not anticipate trouble. Outside of official and diplomatic circles there is endless discussion of the prospects of war with Spain.

Protection to American Shipping—The Official Excuse—Strengthening the North Atlantic Fleet.

The Canonicus (iron-clad), at League Island, just officered, is of the fourth class, mounts two guns and is 550 tons burden. The Mahopac, of the same class and capacity, also officered to-day, lies at the Washington Navy Yard. Other vessels will soon be placed in commission, and arrangements for that purpose are now being made at the Navy Department. While it is not admitted in official quarters that there is an exigency for these preparations, it is well known that the North Atlantic fleet is to be strengthened for protective purposes, and to present a force sufficiently large to guard American ships from molestation and illegal search on the high seas by Spanish cruisers. A month ago the force on that station consisted of ten ships, mounting seventy guns. One of these, the Shawmut, will probably be relieved, as she is destined for the South Atlantic, but others will supply her place. Care is taken in the selection of the commanders, the utmost confidence being placed in their competency to fully carry out the orders of the government. While the utmost caution is enjoined, the policy of protection will be rigidly enforced.

Preparations at League Island.

The iron-clads Canonicus, Manhattan, Wyandotte, Saugus and Ajax are now fitting out at the Navy Yard, Philadelphia, it is supposed, for Cuba.

Important Naval Orders.

Commander A. E. K. Benham is ordered to the command of the Canonicus; Commander O. F. Stanton to the command of the Monocacy, in the Asiatic squadron; First Assistant Engineer William E. Nicoll to the Bureau of Steam Engineering; Second Assistant Engineer J. J. Barry to duty at New York; Boatswain Andrew Milnie to the naval station at League Island. Commander James H. Gillis is detached from the Washington Navy Yard and ordered to command the Mahopac; Commander David B. Harmony is detached from duty as Inspector of Supplies at the New York Navy Yard and placed on waiting orders; Commander Edward P. McCrea is detached from the command of the Monocacy and ordered to return to the United States; Lieutenant Commander F. T. Dickins is detached from torpedo duty and ordered to the receiving ship at New York; Lieutenant Commander Henry H. Gorringe, from duty at the New York Navy Yard, and ordered to the Hydrographic Office; Assistant Paymaster Joseph T. Addicks, from the Philadelphia Navy Yard, and ordered to the Mahopac; First Assistant Engineer Sidney P. Smith, from the Bureau of Steam Engineering, and ordered to the Washington Navy Yard; First Assistant Engineer Jefferson Brown, from special duty at the New York Navy Yard and ordered to the Terror; First Assistant Engineer Henry A. McGee, from the Washington Navy Yard, and ordered to the Canonicus; First Assistant Engineer J. G. Brosnahan and Second Assistant Henry Webster from the Washington Navy Yard and ordered to the Mahopac; Lieutenant Commander Edwin T. Woodward is ordered to the Canonicus as Executive Officer; Lieutenant F. A. Miller and First Assistant Engineer George H. White, to the Canonicus; Master Edward H. Green and First Assistant Engineer A. H. Green, to the Mahopac; Second Assistant Engineer Edward F. McElwell, to the Canonicus; Lieutenant Commander George A. Wood, from the Vermont and ordered as Executive Officer of the Mahopac; Assistant Surgeon B. S. Mackie, from the Naval Hospital at New York, and ordered to the Canonicus; Assistant Surgeon Dickinson, from the Naval Academy, and ordered to the Mahopac; Assistant Paymaster E. K. Calhoun and First Assistant Engineer Henry D. McEwen, from the Philadelphia Navy Yard and ordered to the Canonicus.

Looking to Our Land Defences.

A despatch from Fortress Monroe says that General William T. Barry has been ordered to New York for the purpose of consulting with the Engineer Board now in session there on the subject of fortifications. He leaves to-night for that purpose.

Our Relations with Spain.

[From the Worcester Spy (republican, ex-Congressman Baldwin), Jan. 5.]

There is some reason to apprehend serious trouble with Spain. The recall of Mr. Roberts, the present Spanish Minister at Washington, and the appointment of Admiral Polo to succeed him, are thought at Washington to indicate that the feeling of the Spanish government toward the United States, if not positively hostile, is at least not friendly. No official intelligence of Mr. Roberts' recall has been received, but the change has been reported by cable, and this report is believed to be well founded. This of itself would be unimportant if causes of offence had not already arisen between the two countries, and if there were not peculiar relations out of which new difficulties may grow at any time. The recent boarding and search of the Florida by a Spanish war vessel, if the account already published proves true, is an insult that our government cannot allow to pass unnoticed, and although it could cause no apprehension of trouble between two nations disposed to cultivate friendly relations with each other, yet if Spain is inclined to be unreasonable and arrogant she may choose to find a sufficient cause of quarrel in the temperate demand for explanation and apology which the President will no doubt think it his duty to make. * * * The vindication of the national dignity is too often made the pretext for unjustifiable aggression; but there is a point where the toleration of repeated insult and wrong is no longer consistent with self-respect, or with proper regard for material interests.

THE ROCHESTER OUTRAGE.

Howard's Arrival at Auburn State Prison—Thanks His Lucky Stars that He was Not Lynched—Brutal to the Last.

AUBURN, N. Y., Jan. 5, 1872.

The negro Howard, who committed the outrage on the white girl in Rochester a few days since, arrived in this city this morning, and took his place in the State Prison under a sentence of twenty years. He was very happy to get safely within the walls, putting his thumb to his nose and making a fan of his fingers to the crowd outside as he went up the steps to the main hall.

BELLIGERENT RIGHTS FOR CUBA.

THE CASE OF THE FLORIDA.

General Francis Darr on the Situation—The Cuban Question Clearly Defined—Presidential Encouragement and Diplomatic Promises—Proposed Remedies.

The sensation incident to the outrage committed on the steamship Florida by the Spanish war vessel seems to increase as the facts become more thoroughly developed. There has evidently been some gross mistake committed, although it is hoped that the affair will be brought to an amicable conclusion. A representative of the HERALD visited the owner of the Florida yesterday in order to ascertain the latest particulars concerning the fate of that vessel as well as to learn his sentiments relative to the cause of Cuba. General Francis Darr, the type of a noble and valiant soldier, was somewhat communicative on the subject, and without hesitation expressed his views.

"Now, General," said the HERALD representative, "why was the Florida made the special object of attack by the Spanish gunboat of which you speak?"

"I cannot say, except that I," said the General, with a shrug of the shoulders, "was well known to be an ardent friend in the cause of the Cuban republic, and I have no doubt they thought I was on board the Florida. Had they found me they would have disposed of me as other Americans have been slaughtered."

"Under the circumstances, General, was it not somewhat risky on your part to despatch the Florida?"

"Not at all," replied the General, with an independent tone. "The Florida was sent down in the ordinary course of business."

"But you must have been aware of the danger of shipping a certain class of goods in that direction?"

OFFICIAL ENCOURAGEMENT.

"Just listen a minute," said the General. "Encouragement by the opinion caused to be given to me by the President justified me in sending my vessel to sea. After a full consultation of the Cabinet the reply sent to me was in some parts as follows:—'The shipment of arms and munitions of war is not prohibited to either party in the Cuban struggle. The revolutionists have as full power to buy and ship arms as the Spaniards. It is an entire mistake to suppose that the United States officials have ever been instructed to stop the shipment of merchandise, though it be in the form of articles contraband of war.' The letter in question goes further on to state:—'And even if we had acknowledged the independence of Cuba, our duty and our rule could be no whit different until we had directly or publicly espoused one side of the quarrel by making war upon the other.'" The General went on to say, in reference to his communication, that the President had reminded him, or words to that effect, that "we constantly bought arms of England during the rebellion, and no one questioned the legal right of Englishmen to sell to us and to the confederacy. Blockade runners must take their own risk of capture. The Cuban republicans must learn to draw this distinction before complaining of our conduct. In this respect, as I have stated above, the recognition of their independence would not have altered the law. That," said the General, "is a portion of a letter caused to be written to me by the President."

THE CAUSE OF THE GRIEVANCE.

"Now then, General, of what do you complain?"

"Why, in spite of this positive assurance of the wishes of the President and of the interpretation of the law, the government seized my vessel, the Florida, on the 20th August, 1870, and kept her five months in the Navy Yard. Notwithstanding my earnest appeals for an immediate trial—courting as I did the fullest investigation, and stating to Secretary Fish all the time that the delay was equivalent to a confiscation of my property—in spite of the well-known desire of the President, in spite of everything, there was a mightier power than the law or the Executive, and the country can inform you what stand the Secretary took."

"I am at a loss to understand, General."

"Why, my friend, the Secretary of State, had a son-in law whose interest as Spanish counsel would have been injured by my trial, for the release of the Florida would have immediately followed. When the trial came on, however, not a single witness for the prosecution had anything to say. Judge Blatchford promptly ordered the release of the vessel and her deliverance to me. The outrage was so flagrant on my rights that Judge Blatchford refused an application of the District Attorney to issue the usual certificate for probable cause, and the District Attorney is liable for damages to this day."

"Well, General, I would like to know about the Florida."

THE FLORIDA.

"The history of the Florida up to her being blockaded in St. Thomas is well known. On November 23 I notified the Secretary of the Navy of the outrage intended by the Spaniards in the case of the Florida and appealed for protection. In response to my communication I was informed that in the presence of any United States vessel no such outrage would be permitted. That's all nonsense—presence of United States vessels! Why, that's perfectly absurd. You know the story of the case. You might as well say that no man shall assault you at the Battery so long as any policeman is on duty at Harlem."

"That's good, General—ha—but what do you think about the war prospects?"

BELLIGERENT RIGHTS.

"War! I hope not. The Cubans merely desire the recognition of belligerent rights, and wish to fight the battle out themselves."

"Pardon, me, General; upon what grounds can the Cubans claim belligerent rights?"

"I'll tell you. The Cubans have been waging war for more than three years against all the power of Spain. Spain herself, by public documents, has acknowledged the existence of that war. Spain has been allowed to supply her army and navy from the federal dockyards and arsenals of this country, having shipped within the last three years over one hundred thousand stand of arms, while Spain furnished only twenty-two hundred stand of arms."

THE CAUSE OF COMPLAINT.

"Of what do you particularly complain, General?"

"Injustice! The Cubans, in direct opposition to all the fair spirit of neutrality, have been denied similar advantages accorded to Spain, and vessels freighted with arms and munitions destined for the Cubans in accordance with the legal rights of American citizens in trading in arms with peoples and Powers that are at war, and in the exercise of what has been declared both by the Executive and federal courts to be a legitimate voyage, have, in violation of law and equity been detained, the delay being equivalent to a confiscation of property to the detriment of American citizens.

THE PROPOSED REMEDY.

"What do you propose to mend matters?"

"I think measures should be adopted to protect the rights and interests of American citizens engaged in legitimate commerce and to prevent the recurrence of losses which may arise from the fact that the government has not yet acknowledged the existence of the republic of Cuba. Spain herself admits that the recognition of belligerency is not incompatible with a spirit of amity towards herself. Spain, by acknowledging the independence of sundry republics on this Continent, formerly her own colonies, admits the right they had to wage war for their independence, as Cuba to-day fights for hers. The time has now come when Spain cannot with honor to herself remain blind or ignorant of the existence of a war in Cuba and the continuous outrages offered to the rights and property of her people. The assisting of all people in this hemisphere for the right of self-government by all those means not in contravention to international law is a thorough American policy, consonant with the principles of our own independence. Now, I think that it is fitting that the youngest republic on this hemisphere should appeal for justice and fair play and belligerent rights to the oldest republic; and I cannot see why the President, with a full knowledge of his kind feelings toward the Cubans, can delay any longer this act of justice to himself and to them.

THE ACTION OF CONGRESS.

"Do you think Congress will take any action in the matter?"

"I hope that Congress, if a declaration of belligerent rights is longer delayed, will agree to it by solemn and joint resolution of both houses. Now, I protest most bitterly against the designation of Mr. Fish that the Cuban sympathizers in New York—some time ago made to a correspondent of the HERALD—were a set of loafers and soldiers of fortune. He will yet live to learn in his retirement that he could not with impunity defy and delay the manifest public sentiment of this country in regard to Cuba."

A TEST CASE.

"But what course do you intend to pursue?"

"I propose to continue to buy and ship arms to Cuba, and knowing my rights I intend to enforce them, fully aware that I will be supported by the sentiment of the American people. I shall load the Florida with rifles, cannon and munitions of war, in the ordinary course of my business, and I will then see whether the injustice hitherto practised will be repeated in direct contradiction to law and equity and the positive assurances of the administration."

"When do you expect the Florida?"

"She will probably arrive within a week."

This brought the interview to a close. Outside the General's office in Murray street was suspended a banner bearing the following inscription:—"The republic of Cuba mourns her children slaughtered by American rifles, and demands justice and fair play from the countrymen of Abraham Lincoln." On one side of the banner was the American flag, and on the other the Cuban flag draped in mourning.

THE PIGEON SWEEPSTAKES POSTPONED.

Don Quixote Defends the Dovecote—Mr. Bergh Appears by Proxy—Mr. Smith and His Followers Throw Themselves in the Deadly Breach and Prevent a Feather Being Ruffled.

> I am Sir Oracle,
> And when I ope my lips let no dog bark.—*Shakespeare.*

Henry Bergh, the great humanitarian—the great President of the Society for the Prevention of Cruelty to Animals—the great reformer—the great ——(we leave the blank to be filled by the members of all the shooting clubs in the country and by sportsmen generally who are fond of traps and triggers), once more put a stop to advertised pigeon shooting in Westchester county. He succeeded on this occasion, no doubt, to his heart's desire, as about two hundred gentlemen had congregated at Fleetwood Park yesterday morning to witness a grand display of science and skill in a sweepstakes between eleven gentlemen who are considered the best shots on the wing in the land, all of whom were doomed to disappointment.

The sweepstakes was for a silver pitcher and two silver cups; twenty-five yards rise, eighty yards boundary, with one and a half ounce shot. The entries for the stakes numbered eleven. These were Ira A. Paine, of New York; Horace Ramsey, of New York; John Rumsey, of New York; B. L. Deforest, of New York; A. H. Bogardus, of Illinois; Robert Newall, of Buffalo; William Carson, of Philadelphia; Miles Johnson, of New Jersey; E. W. Tinker, of Providence; George Smith, of Buffalo, and E. B. Hambleton, of Buffalo.

These gentlemen took the half-past nine A. M. Harlem train, and, stopping at Melrose station, with guns and traps in hand, trudged gayly through mud and slush to Fleetwood Park. Never was seen a more joyous or light-hearted party of sportsmen. The scene soon changed, however, as the gentlemen had hardly time to "wet their whistles" before a wagon loaded with policemen, with Sergeant Sprague at the front, were descried coming through the gates and moving in the direction of the club house. The policemen soon alighted, and, coming on the porch, threw themselves loosely about. Their presence betokened mischief, and forebodings of disappointment began to be bruited among the previously hilarious sportsmen.

One of the gentlemen present ventured the interrogatory of what could be the business of the policemen at that quiet and retired place, and was answered by Sergeant Sprague that he did not exactly know. All that he could say was that he had been detailed by his superior officer to repair with a force to Fleetwood Park and there await orders from Mr. Bergh, who, he expected, would be on the ground to meet him at eleven o'clock.

The dreaded name of Bergh at once threw a damper over the spirits and prospects of the gentlemen, and they began to discuss the probabilities of his interference and the possibility of a postponement of the sweepstakes. Some of the professional pigeon shooters waxed wroth, and after some loud swearing, together with some encouraging advice from a few of the members of the Jerome Shooting Club, notwithstanding the presence of the policemen, began making the preliminary preparations for the shooting. The pigeons were taken down to the field in coops; then the ground was measured and the traps arranged; several tables for the loading utensils and seats for scorers, judges, referees and reporters were placed in the mud around the "base," where the firing had to be done, and then the gentlemen entered for the sweepstakes, followed by the crowd, marched down to the trysting place.

Before lots had been cast for the order of shooting, however, ten officers in uniform, with a club on one hip and a revolver on the other, crossed the track and entered the field at the lower entrance, while Mr. Smith, of Mr. Bergh's staff, with ten followers of the same corps, in citizens' dress, bore down from the upper entrance and marched to the front. A bombshell in a magazine could not have created greater consternation among some of the gentlemen present, particularly those from a distance, than the appearance of these stalwart conservators of the peace.

The generalissimo of the gang—Mr. Smith, the proxy of Mr. Bergh—then came forward, and, showing a badge on his breast, in a mild and delicate voice said that Mr. Bergh had deputized him to attend the Fleetwood Park and stop the shooting of pigeons, if any attempt should be made to do so by the parties there congregated together. This announcement nettled several of the gentlemen belonging to the Jerome Shooting Club, and they made a rush for Smith, to know what right he had to come there to interfere with their amusement, and what he intended to do in case no attention was paid to his orders. They wanted particularly to know if he meant to make arrests in case the sweepstakes shooting began. Mr. Smith was noncommittal for some time. He at length, however, told his interrogators that he had been sent there to stop pigeon shooting, and that he intended to do his duty, let the consequences be what they would.

Mr. Foulke then said he would make Smith show his hand pretty quickly, and then they would be able to find out how far he would go. Mr. Foulke ordered a pigeon put in the trap, and the same being sprung, the bird was killed. This movement, however, did not have any effect on Mr. Smith; he merely consulted with his men about the event of the day—the sweepstakes—and the way of preventing its taking place. Mr. Foulke begged Mr. Smith to arrest him, but the latter would not oblige him, saying that he did not come there to make arrests, but to prevent the match or sweepstakes from coming off, and that he was bound to do at all hazards.

Some of the gentlemen present now began to defy the power of Smith and his followers, while others clamored for the gentlemen having the management of the sweepstakes to go on with it. The traps were again loaded with a bird each, and Mr. Foulke again took up his gun for a commencement of the sport, when Smith and Sergeant Sprague, at the head of their corps, marched into line between the traps and the place to shoot from,

The imminent and deadly breach,

and notified the congregation that they would stay there until they were satisfied no further attempt should be made to violate the law.

A parley then took place between Ira Paine, Mr. Delorest, Mr. Staples, Mr. Foulke and Mr. Smith, when the latter acknowledged to Mr. Paine that Mr. Bergh had given a promise that he would not interfere with any match or stake that might be shot in the county of New York, as it was his intention to bring the parties engaged in the violation of the law before a court of justice, and where it would be convenient for him to attend to the prosecution of the persons arrested; that Mr. Bergh would not make arrests in Westchester or any other county away from New York, but that he would have a police force at out-of-the-way places to stop any pigeon shooting that might be attempted.

Mr. Paine then asked Mr. Smith whether he would be interfered with should he shoot his match with Bogardus at Bertolf's. Mr. Smith again said that there would be no stoppage to any shooting that might take place in New York county until the question is settled as to the legality of pigeon shooting had been decided in a court of law.

As the above decision was thought to be a triumph by some of the persons present, the gentlemen engaged in the sweepstakes were invited to take up their traps and assemble at the club house, where they held an informal meeting and decided to have Paine and Bogardus shoot their matches to-day at Bertolf's, corner of 143d street and Eighth avenue, after which they would determine on the day when they would bring off the sweepstakes.

Before Mr. Smith left the ground he asked Ira Paine for a letter to Mr. Bergh announcing his determination to shoot the match in the county of New York. The following is

THE LETTER OF IRA A. PAINE TO MR. BERGH:—

JANUARY 5, 1872.

MR. BERGH:—

SIR—Myself and Captain A. H. Bogardus purpose to shoot our match to-morrow, January 6, at Bertolf's, 143d street and Eighth avenue, at 12 o'clock M. IRA A. PAINE.

While this little piece of diplomacy had been going on between Paine and Smith the disappointed crowd became partially satisfied, and their curses, which had previously been hurled in all shapes at the head of Bergh and his satellites, were for the nonce suspended. Some few of the gentlemen who had entered for the sweepstakes did not seem at all easy after witnessing the power that Bergh seemed to possess over the people in this section of the country, and they began to "weaken" when the time for the postponed sweepstakes was being discussed, and no doubt many of them, particularly those from a distance, would like to have their entrance money returned and be considered out of the game.

The day's business being settled—another triumph for Bergh—and it being announced to the crowd at the club house that Paine and Bogardus would shoot their matches at Bertolf's to-day, commencing at 12 o'clock M., the assemblage dispersed, followed by the blue-coated "bobbies," the latter seeming as much disappointed as those who were interested in the shooting; but whether it was from a feeling of not having seen some birds killed or of not having a chance to "dent" some poor unfortunate's skull, it is impossible to say.

Bergh has taken two tricks this week, and yesterday clubs were trumps.

Pigeon Shooting.

[From the Citizen of Jan. 6.]

The Society for the Prevention of Cruelty to Animals, under its amiable but most unwise President, has renewed its raids on the pigeon shooters. A year or so ago similar proceedings were taken, but as the Court sustained the sportsmen, and as common sense was arrayed against the society, it abandoned its attempt. The managers of this society seem utterly unable to understand that the killing of animals is not always cruelty; and all think, with the child in the story, that the "cruel, cruel butcher man, who slays the little pig," must be an inhuman brute, whereas in all probability he is the most tender-hearted of men. Notoriously no class of our citizens are more earnest in their efforts to preserve birds and game from cruel treatment and from unwarranted persecution than the sportsmen; they are the persons who urge on the Legislature the passage of laws to prevent the killing of parent birds when they have their young, and they prevent the sale of game out of season, and strive to limit the amount destroyed, so as to prevent the annihilation of the stock. The pigeons shot at a sporting match are eaten, and rarely, if ever, suffer more than if they were put to death by crushing their heads, as is the usual mode when wild pigeons are captured in nets; and so far as the tame birds are concerned—these being used when wild ones cannot be had—they would not be bred at all to any considerable extent if it were not for the demand for this kind of shooting. Death by gunshot wounds is not specially painful, as all medical testimony shows; and although some may be wounded, their escape, or chance of escape more than atones for such suffering. Ask a man condemned to death if he would rather have his brains dashed out at once or whether he would prefer to run the gauntlet of a few rifle shots, and he would surely select the latter; pigeons are certainly no more particular in such matters than human beings. This raid of Mr. Bergh is as absurd as his interference in behalf of turtles laid on their backs to keep them from crawling away, and if the Society for the Prevention of Cruelty to Animals cannot find something better to do than stop pigeon shooting and interfere with car travel it had better disband.

BERGH'S NEW DEPARTURE.

Vagaries of a Monomaniac on the Subject of Cruelty to Animals—An Incident on Broadway.

There is rejoicing among the carters, butchers, dairymen, stage drivers, keepers of ratting dogs and fighting purps over the announcement of the benevolent Bergh's new departure in his monomaniacal crusade. No more will the yelling and swearing drivers of Third avenue pause in their agreeable pastime of "knouting" their horses when the commanding form of Bergh is seen. No more will the dairyman, thrashing his dying cow into giving a pail of milk, dread a visit from the vigilant "cruelty-to-animals" man. Every ruffian whose feelings have been hurt by Bergh will now take satisfaction out of the brutes he was forbidden to maltreat, for he knows that the dread disturber of his pleasures is otherwise engaged.

HORSE RIGHTS.

The edict has gone forth from the office of the Society for the Prevention of Cruelty to Animals that hereafter all blood and carriage horses shall wear as much hair as they please, kick as high as they like and run away when they feel so inclined. And that they may not be annoyed by coachmen, the cruel bit shall be abolished, and head checks placed among the collection of Mr. Bergh's articles for animal torture. It is declared a misdemeanor to clip a horse, and no jackass shall be deprived of any portion of his tail without due process of law. It is further decreed that every horse shall have guaranteed to him life, liberty and the pursuit of hay and oats.

Mr. Bergh is greatly grieved that

PIGEONS ARE BORN TO DIE,

and laments that they are not immortal.

He has for years remonstrated with a favorite cat for its cruelty in torturing and eating the heads off the poor little mice, but without effect. Puss will "go for" the mouse with as much *élan* as if there was no law against cruelty in existence. During the summer months, when the benevolent gentleman wanders along the beach, he groans in agony of soul over the ferocity and cruelty of the blue fish, that, not satisfied with killing and eating the dear little sprats, send shoals of them hopping to the shore to suffer the frightful agonies of dissolution under a broiling sun. Mr. Bergh would prevent all this if he could—but he cannot, and he grieves daily.

HIS DEPUTIES OR AGENTS

are like unto him, "only more so." They are most careful imitators of the great President of the Society. They sneak about gentlemen's carriages, watching for an unbuckled strap, a turned hair, a crossed bridle, or something that will give them an excuse for showing their concern for the comfort of the animals and their own importance. The latest instance of this prying impertinence occurred yesterday.

AN INCIDENT.

Mr. Pierre Lorillard's carriage was standing before a store in Broadway, the coachman in his seat, when a fellow approached and examined the horses' heads. He told the coachman that the horses were checked too high. As the man was peremptory in his manner, the servant made the alterations he was ordered to do, out of course grumbled, for he thought, and no doubt rightly, that as he knew the animals better than Mr. Bergh's agent could possibly do, he had properly placed the checks. The remonstrances of the coachman exasperated the deputy and he loudly threatened to arrest him, of course a crowd gathered about the carriage, whose inmates were greatly alarmed, and much indignation was expressed by the crowd at the arbitary and unnecessary conduct of Mr. Bergh's deputy. The threatened arrest was not made, however, and there the matter ended.

NEWARK DOUBLE TERROR.

Trichinæ and Smallpox—The Latter Demon Stalking at Large Through the Streets.

Trichinæ—a disease arising from the eating of uncooked "prairie chicken," commonly called pork—has sent through death's portals one Teutonic citizen of Newark, and fears are entertained that others will follow him. Smallpox, too, is looming up again as a demon of destruction. In the County Jail, within the past ten days, no less than six cases of a serious character have had to be removed to the Almshouse hospital. The Warden and his subordinates have used every effort to prevent that disease from spreading. The murderer Botts is still unscathed. The Court of Pardons, it may be stated *en passant*, will meet next Tuesday with a view to the consideration of a petition offered in his case, praying for a commutation of his sentence from hanging to imprisonment for life.

SMALLPOX ON THE FLY.

Early yesterday morning a German named Beckslie, of No. 111 West street, whose daughter achieved notoriety a year or so ago through being made a pistol target of by her *inamorata*, created a genuine sensation. He arose from bed dreadfully covered with smallpox sores and delirious, and rushed into the streets. He got on board a train at Roseville and rode down the Morris and Essex Railroad to the Newark depot, where he got off and returned to West street, where he was captured by his friends and removed to the house.

SMALLPOX IN JERSEY CITY.

At the meeting of the Board of Education of Jersey City on Thursday evening the existence of smallpox in the city was again the subject of debate. One of the members, Mr. Warrin, who is also Clerk to the Police Commissioners, moved that the resolution providing for vaccination in certain public schools be rescinded. Mr. Browne, who reported the alarming prevalence of the disease in his district at the previous meeting, opposed this motion and warned the Board against being misled in the matter. The Board had done its duty promptly and with a due regard to the safety and welfare of the people, and if the Board of Police Commissioners refused to do theirs let them bear the responsibility. Mr. Stieger said that he knew that smallpox prevailed to an alarming extent on Centre Hill. The motion of Mr. Warrin was accordingly rejected.

The Police Commissioners are thus foiled in the effort to allay the excitement which must be charged to their repeated disregard of all the warnings given to them; and the Board of Education—the only Board in the city government outside the influence of the "Ring"—is entitled to the thanks of the community for taking practical measures to avert the spread of the disease.

THE CUSHMAN SCHOOL.

Opening of a School Dedicated to Miss Charlotte Cushman—Her Speech and Readings.

BOSTON, Mass., Jan. 5, 1872.

A new primary school building, named the "Cushman School" in honor of Miss Charlotte Cushman, was dedicated to-day, Miss Cushman being present and making a brief address to the scholars. She told the children she was very happy of the opportunity of meeting them, and very sorry that they had been kept waiting for her; she considered punctuality one of the first things in life. "Punctuality," said she, "is not only the soul of business, but the soul of honor." She then told them that the secret of her success had been simply that she had always been in earnest; she had given her heart and soul to what she had to do and nothing else, and they must give themselves to their work first of all or they would never get anything done.

The speech was very pleasantly given and was received with warm applause.

Miss Cushman afterwards read Southey's poem, "After the Battle of Blenheim," which was listened to by the children with intense interest.

CONNOLLY'S CASE.

Arguments of Counsel For and Against the Order of Arrest.

Appeal to the General Term at Albany from the Decision of Judge Learned—Mr. Charles O'Conor's Review of the History of the Board of Supervisors—The Relation of Municipal Corporations to the State—The Court Reserves Its Decision.

ALBANY, N. Y., Jan. 5, 1872.

The argument on the appeal from so much of an order made by Justice Learned on the 9th of December last as denies the motion made before him to vacate the order of arrest previously granted, took place to-day before a full Bench of the General Term of the Supreme Court—Judges Miller, Potter and J. M. Parker.

Messrs. Beach and Courtney appeared for Connolly and Mr. O'Conor for the people.

The action was brought to recover moneys charged to have been fraudulently abstracted from the treasury of the county of New York by defendant. The order of arrest fixed the bail at $1,000,000. The motion prayed that bail be reduced and the order vacated, and also general relief. The bail was reduced to $500,000, but the motion to vacate was denied.

The action grows out of an act of the Legislature, passed in 1870, by which the Mayor, Comptroller and the President of the Board of Supervisors are constituted a board empowered to audit all liabilities against the county of New York incurred previous to its passage. The complaint substantially charges fraudulent neglect of duty of the defendant as a member of said Board of Audit. It in effect alleges a consummated conspiracy to which the defendant was a party, for the plunder of the Treasury. The act of 1870 directed that the amount to be due should be provided for by the issue of revenue county bonds, and that the Comptroller should make the payment. Claims to the amount of several millions were allowed by this Board of Audit and paid.

Mr. O'CONOR stated that there was a cross appeal from the entire decision in the case, a portion of which reduced Connolly's bail.

MR. COURTNEY'S OPENING.

Mr. COURTNEY, of the counsel for the defendant, opened the case. He proceeded, amplifying these points:—First, the papers show no cause of action against the defendant; second, if, however, a right of action exists against the defendant, it is not vested in the State; third, if the first two points are shown, the order of arrest should be vacated; it would be absurd and oppressive to uphold it in either contingency; the Court below denied the motion to vacate because it doubted upon the law; counsel claimed that this was a cruel error towards a citizen in jail claiming to be imprisoned at the suit of a party having no right of action against him; fourth, the Court below, misconceiving wholly the design and purport of defendant's affidavit, held it as evasive and insufficient; fifth, counsel hoped the Court would recognize the importance of

THE PRINCIPLE INVOLVED

in this motion and give it impartial and independent consideration. If the Attorney General can by action to recover, in the name of the people, moneys charged to have been fraudulently obtained from a corporation; if he can delegate his office to disaffected members of that corporation on the approach of an important State election, that officer wields a power of disastrous import. Counsel criticised the action of Judge Learned in granting the order of arrest, and fixing such high bail on mere affidavit, based on the information and belief of Mr. Peckham.

Mr. COURTNEY said he had reason to believe that had it not been for the popular excitement prevailing this extraordinary order of arrest and bail would never have been issued. If the motion had been made in ordinary times this order would never have been made. We have, too, the extraordinary spectacle presented of a Judge of the Supreme Court doubting whether this action is properly brought, and yet casting the doubt against the defendant.

A LEGAL TILT.

Mr. O'CONOR—You misrepresent the Judge's opinion. He does not say he has any doubt.

Mr. COURTNEY—The learned counsel had better read the opinion again. I know he does express a doubt as to whether this action was properly brought.

Mr. O'CONOR—You are misrepresenting a talented and respectable judge, and I take the liberty to correct your statements.

Mr. COURTNEY—I claim that I am not misrepresenting, and I also claim that I have the right to criticise the action of any judge or layman when I find him stepping aside from the line of his duty, and I will exercise it. I may be wrong. If so, I will hasten to retract. I believe that counsel on the other side would be obliged to go to the Legislature for some act to sustain the action they have been engaged in. They have already gone there for some act to legalize the action of the Court of General Sessions in extending its term.

DISAPPROVAL OF THE GRAND JURY ACT.

Mr. O'CONOR—If anything of that kind has been done it was without my approval.

Mr. COURTNEY—I said that the counsel would, in my opinion, yet be obliged to get some bill through the Legislature to legalize his action. Only yesterday, in the first days of the session, this has been found necessary to cover one case, and more such acts will be required.

Counsel then proceeded to argue that there was sufficient power vested in the New York authorities to bring these suits. He also detailed the legislative action authorizing the issue of bonds and providing for the payment of the same, to show that the State had no interest in them and was not in any manner held responsible for their redemption, and hence no right to bring the suit which has been brought. As to the Board of Supervisors, which it is claimed has been obliterated, he read a law passed in 1871 directing the Board of Supervisors of the county of New York to levy and collect taxes to pay the interest on the consolidated debt of the county. Counsel also read the letter from George T. Curtis to Richard O'Gorman, affirming the right of the latter, as City Attorney, to bring suit to recover the

MONEY BELONGING TO THE CITY

said to have been embezzled, and that the Attorney General of the State has not such a right. Counsel claimed that if this authority is granted to the Attorney General it gives him the power of a king over the Board of Supervisors. City officials are of no account. All corporations guilty of offences must be prosecuted by the Attorney General, if he will, and by no one else.

THE NESTOR OF THE BAR IN RESPONSE.

Mr. O'Conor in responding briefly referred to the questions before the Court, to incidental, relevant and irrelevant questions, questions of merit and of law, and said that some of these questions might be considered trivialities, still they should all be considered soberly. But he would say that he never thought or said that there was no such government as the county of New York nor that there was no Board of Supervisors.

The decision of Judge Learned had been called in question, and it had been said the Judge was in doubt and yet decided against the defendant. This was not so; and to prove this counsel read a portion of the decision. He then proceeded with his argument, going over the ground he covered in the Court below. In the course of his remarks he said, in reply to the criticism of Wheeler H. Peckham's affidavits, that they did not dare to put all the evidence they had in an affidavit for fear of putting Connolly to flight.

The Court here took a recess until half-past three o'clock P. M.

On reassembling counsel repeated his argument as to the right of the people to bring these suits. The corporate authorities of the city, so-called, could not be relied upon to bring the suit for the reason that they were in collusion with those charged with the crime. Counsel dwelt upon this point at some length. He then proceeded to detail the facts and circumstances, which, he claimed, showed the implication of Connolly in the robberies, and, repeating his argument on this point, claimed that he and his associates had shown the best of reasons for the arrest of Connolly. He then discussed the question of bail, insisting that it was not, under the circumstances, excessive, and claimed that it was nowhere positively shown that he was unable to raise the amount called for.

REDUCTION OF BAIL A MISTAKE.

He therefore submitted that the order reducing the bail was a mistaken one. Counsel then proceeded to detail the history of the organization of the Board of Supervisors of the county of New York, which, he claimed, was simply a tax-levying commission. They had no other duty. They never had a clerk until 1857, and he ventured to say their clerical work never cost over five dollars. Away down to 1830 this Board of Supervisors always referred all bills they had supervised to the Common Council, for the reason that they had no power to order anything: but at that time the Recorder, who was a member of this Board for the first time in the history of the city, drew up a resolution directing the Chamberlain to pay some little bill. Now, the Chamberlain was no officer of the Supervisors, was no clerk of theirs, and was not under their authority. Counsel referred to

THE OPINION OF JUDGE STRONG,

delivered in a certain case, in which the Judge distinctly declared that the city and county of New York were two distinct organizations. This was the first declaration of the kind ever made, and yet it is clear that the Judge had confounded an article of the act he based his opinion upon with a chapter of the act. It was in 1858 that this Board, known as Supervisors, had a separate organization, and two tax levies, city and county, were considered necessary, and in about ten years of the administration, $25,000,000 was found too insufficient a sum to meet the annual expenses. This Board of Supervisors, it must be remembered, continued its existence only from 1857 to 1870. In 1870-71 a scheme was framed to give us an entirely new system of government, to consist of four men, only one of whom was to be elected by the people. Counsel then reviewed the legislation had and the action of these men, and then proceeded to show that the Board of Supervisors had never been sued as a corporation. He then returned to the question as to who had control of the bonds in question.

THE BOARD OF SUPERVISORS

had nothing to do but levy the tax; they were in fact mere tax commissioners. The Comptroller issued the bonds. The State ordered the bonds issued by a law passed by its Legislature, and as matter of course the people of the State of New York are bound to see they are paid. It is true they are to be paid by a tax on the inhabitants of the city and county of New York, but the bonds were issued by authority of the State nevertheless. He then discussed the rights and liabilities of corporation. In ancient times they were independent of the State, but this was changed many years since. The relation of a municipal corporation to the State is independent no longer. They are allowed by the laws of the State to raise money by taxes for local use, but if the State saw fit to take money raised in New York to build a court house and devote it to building a market in Buffalo it could do so. The State owns everything; is powerful over all other authority in the State. There were numerous authorities which were entirely clear in proving this doctrine and which sustain the right of our action.

REPLY OF MR. BEACH.

Mr. BEACH, after complimenting the counsel for the very interesting history he had recited, claimed that it had no relevancy to the case before the Court. He held there was no interpretation needed of the act passed by the Legislature, because it was perfectly plain, and it was the duty of all civilians to obey it and carry it out as the mandate of the highest authority in our State. He referred to the argument made by his associate, and compared it with that made by the counsel on the other side and also with the affidavit of the principal affiant, Peckham, and then recited the facts in the case of Connolly, his official duties and the requirements of him as Comptroller, repeating his argument made before Judge Learned.

The Court here took a recess until half-past seven o'clock.

On reassembling Mr. Beach resumed his argument, claiming that counsel on the other side had not shown by proper evidence the least implication or collusion of his client in any fraud.

At the conclusion of his address the Court took the papers and adjourned.

WILLIAM M. TWEED.

The Case of the "Boss" Before the General Term at Albany—Argument on the Motion to Vacate the Order of Arrest Adjourned to Friday.

ALBANY, N. Y., Jan. 5, 1872.

At the opening of the Supreme Court this morning J. H. Reynolds, of counsel for William M. Tweed, stated that notice had been given of argument on appeal from Judge Learned's decision refusing to vacate the order of arrest of Mr. Tweed, but he said the defendant's counsel were not ready to argue the case this morning, and had so notified the counsel on the other side.

Mr. O'CONOR, of counsel for the people, stated that notice of this argument had been given him, and a stipulation entered into to have the case heard to-day. Last evening he received notice countermanding the stipulation, but he had replied that he could not agree to the countermand; that he was ready to make argument, and would appear here to argue in favor of a dismissal of the appeal. He therefore now moved for such dismissal.

Mr. REYNOLDS said he had not been made aware of the determination of Mr. O'Conor until now. Mr. Burrill, who was to make the argument for defendant, was absent, detained by another case in New York. If the cause was to be argued now he desired time at least to telegraph to him. He was himself unprepared to argue the case. He had no papers, besides, this case was not on the calendar. The case of Connolly, for the argument of which counsel were here, involved nearly or quite all the points of the Tweed case, and might be argued now with profit. All he asked was that the case of Tweed be laid aside for the present.

Mr. O'CONOR replied that counsel were ready for argument down to the time of countermanding the stipulation. I then informed them that I could not admit of a postponement. I am not desirous of shutting out the argument of counsel, but I am anxious to have the case argued. It is true the Connolly case involves some of the questions involved in that of Tweed, with trifling exceptions, and I am ready to argue that case except as to one point, but it will take me only a short time to prepare for that. That point was a novel one, one which had never been argued before any Court. He thought these cases should be heard together.

Mr. COURTNEY, counsel for Connolly, thought these cases should not be heard together. A portion of the cases were entirely different. He came here with a full case, sustained by affidavits. The Tweed case is based on a mere complaint. We hold that our case should be heard to-day, and separately.

Mr. BEACH, of the counsel for Connolly, said he had procured an adjournment in a case in New York for the purpose of appearing here to argue his case. He was under an agreement to appear in New York to-morrow, and the Court would see the necessity for going on with this case.

After some further conversation the Court decided to hear arguments in the Connolly case and postpone that of Tweed until Friday next.

TWEED'S BAIL

Everything Satisfactory, Except that "Young Dick" Must Record the Deeds of the Property His Father Gave Him—Opinion of Judge Cardozo.

The matter of the $1,000,000 bail required of William M. Tweed has at length reached a final, and, no doubt, to the parties mostly concerned, satisfactory conclusion. Judge Cardozo, of the Supreme Court, yesterday accepted the sureties offered. He exacts as to young "Dick" Tweed, however, the condition that he record the deeds of the property transferrred to him by his father. Accompanying the decision was the following

OPINION.

I think, upon a fair and reasonable test, the sureties, exclusive of Mr. Richard M. Tweed, make up one million, giving just allowance to any contingent liability of Mr. Devlin by reason of his being surety for the performance of contracts where the work is not yet completed. The possibility that he might still, in some way, be liable on the completed ones is quite too remote to have any weight. If such possibilities were to disqualify few men could ever give bail at all, except in very inconsiderable amounts. This view also applies and disposes of some of the other criticisms upon the property and the values placed upon it by the proposed sureties. Moreover, it is clear that, including Mr. Richard Tweed, if he is to be accepted at all, two full sureties in the requisite amount are made up. I think there is no force in the point suggested by Mr. Peckham, that the other sureties could derive no aid from Mr. Tweed. The statute looks to the amount of the "whole justification;" makes the justification equivalent to that of two sufficient bail; that is enough (Code, section 194).

The other point suggested for my consideration is based upon the objection that the property which young Mr. Tweed owns was acquired by gift from his father. The learned counsel cited no authority against his competency on that ground, and I have not myself been able to find any, although I have looked very carefully. There seems to be no doubt but the gifts are absolute, and that the title has vested in Mr. Tweed the younger. I do not see, after very careful reflection, that the fact that the title was acquired, by gift makes any difference. That Mr. Tweed may dispose of the property is no less true as respects any other person who becomes bail for another, and I have no right to assume that he who stands before me as a young man who I must believe to be of good character—because the counsel had the right to show the reverse if it were true, and they have not attempted to do so—means to do a dishonorable thing, or to dispose of his property in any other than a legitimate manner and for a proper consideration, which, as I have before remarked, is what any one else might do. The possibility that sureties may fail or dispose of their property is a risk incident to taking bail at all, but it is a risk that the law says must be borne. I think the sureties justify within the requirements of the statute. They are "residents and either householders or freeholders in this State," and the "whole justification is equivalent to that of two sufficient bail" in the required amount, and therefore it is my duty to approve the undertaking. But before doing so I think I have the right and ought to require that all the deeds not yet recorded should be left at the Register's office for record. Upon that being done I will approve the undertaking.

The last provision has been complied with and the deeds placed on record in the Register's office. The undertaking has also been approved, Mr. Millard Bartlett, Jr., making the application himself before Judge Cardozo.

THE COLUMBIA TRIALS.

The Further Hearing of Ku Klux Cases Adjourned—The Petit Jury Discharged, and the Judge to Leave for Baltimore To-Day.

COLUMBIA, S. C., Jan. 5, 1872.

The Ku Klux trials are finished for the present. Forty-eight Ku Klux from Spartansburg county, who confessed, were sentenced to imprisonment ranging from one month to two years.

The petit jurors were finally discharged by Judge Bond, who, it is expected, will leave to-morrow for Baltimore.

The Grand Jury sits for a few days longer.

No decision has yet been made in the McMaster case.